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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,211	07/06/2001	David D. Bohn	10003357-1	6278

7590 01/15/2003

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EXAMINER
NGUYEN, FRANCIS N

ART UNIT	PAPER NUMBER
2674	3

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,211	BOHN, DAVID D.	
	Examiner	Art Unit	
	FRANCIS NGUYEN	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8,10,11,13 and 15-21* is/are rejected.

7)☒ Claim(s) *5,7,9,12 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "time-delayed shut off switch" (page 18, claim 9, line 2) must be shown or the feature(s) canceled from the claim(s) 9. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: incorrect word "illuminating" (page 17, claim 1, line 4). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-4, 6, 8, 10-11, 13, 15, 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Adan et al. (U.S. Patent 6,172,354).

As to **claims 1 and 18**, Adan et al. discloses an operating mode indicator apparatus for a computer-pointing device (**input device**, column 1, lines 15-19) and associated method comprising:

a first illumination apparatus operatively associated with the computer-pointing device, said first illumination apparatus generating light (**LED 104 actuated**, column 13, line 41) when the computer-pointing device is in a first operating mode (**used as a conventional mouse**, column 13, lines 41-43) ; and

a second illumination apparatus operatively associated with the computer-pointing device, said second illumination apparatus generating light (**LED 228 activated** , column 13, lines 46-47) when the computer-pointing device is in a second operating mode (**trackball input device**, column 13, lines 46-48).

As to **claim 2**, the operating mode indicator apparatus of claim 1, wherein the computer-pointing device comprises a mouse (column 4, lines 44-45, column 13, lines 46-48).

As to **claim 3**, the operating mode indicator apparatus of claim 1, wherein said first illumination apparatus comprises a light emitting diode (**LED 104 actuated**, column 13, line 41), and wherein said second illumination apparatus comprises a light-emitting diode light (**LED 228 activated** , column 13, lines 46-47).

As to **claim 4**, the operating mode indicator apparatus of claim 1, wherein said first illumination apparatus generates light having at least one attribute different than the light generated by said second illumination apparatus (**emit different wavelength radiation** , column 12, lines 40-41).

As to **claims 6 and 19**, Adan et al. discloses an operating mode indicator apparatus for a computer-pointing device (**input device**, column 1, lines 15-19) and associated method comprising:

a first illumination apparatus operatively associated with the computer-pointing device, said first illumination apparatus generating light (**LED 104** column 12, line 40) when the computer-pointing device is in a first operating mode (**LED 104 emits radiation to surface 116 reflected to image detector 110** , detect and monitor rotational movement of wheel 172,column 10, lines 10-15) ; and

a second illumination apparatus operatively associated with the computer-pointing device, said second illumination apparatus generating light (**LED 182**, column 12, line 40) when the computer-pointing device is in a second operating mode (**LED 182 emits radiation which impinges on area proximate to dark regions 192 on wheel 172**, column 10, lines 60-61).

a third illumination apparatus operatively associated with the computer-pointing device said third illumination apparatus generating light (**LED 184**, column 12, line 40) when the computer-pointing device is in a third operating mode (**LED 184 emitting radiation to light pipe 186**, column 12, line 27, shown in figure 9A).

As to **claim 8**, the operating mode indicator apparatus of claim 1, further comprising a switch , said switch allowing a user to disable the operating mode indicator apparatus **(power ON/OFF switch is inherent in computer 20 of figure 1 for controlling power ON/OFF)**.

As to **claims 10 and 11**, the operating mode indicator apparatus of claim 1, further comprising a user detection device operatively associated with the computer-pointing device, said user

detection device detecting when a user is accessing the computer-pointing device (**as actuation button 196 is depressed, surface 202 moves downward to interrupt radiation from LED 184 to light pipe 186**, column 11, lines 20-23, image detectot is an artificial retina, column 5, lines 15-16 , this corresponds to the claimed optical sensor in claim 11).

As to **claim 13**, the operating mode indicator of claim 10, wherein said user detection device comprises a mechanically activated switch (user actuation of **mode switch** 252 in figure 12A, **clutch mechanism implies mechanically activated switch,** column 14, lines 32-34).

As to **claim 15**, the operating mode indicator apparatus of claim 1, further comprising a data processing system operatively associated with the computer-pointing device (**computer 20 shown in figure 1**) , said data processing system receiving a data signal (**position information of a mouse to CPU 21 of computer 20 in figure 1**) from the computer-pointing device that is indicative of the operating mode of the computer-pointing device (**conventional mouse operation is first operating mode**, column 13, lines 41-43, mouse movement), said data processing system processing the data signal (**computes position information based on image signal**, column 5, lines 1-2) so that said first illumination apparatus generates light when the computer-pointing device is in the first operating mode and so that said second illumination apparatus generates light when the computer-pointing device is in the second operating mode (**trackball input device is second operating mode**, column 13, lines 46-48, trackball movement).

As to **claim 16**, the operating mode indicator apparatus of claim 1, further comprising a control system, said control system actuating said first illumination apparatus (**controller 112 as shown in figure 12 activates LED 104**, column 6, lines 42-43), when the computer-pointing

device is in the first operating mode, said control system actuating said second illumination apparatus when the computer-pointing device is in the second operating mode (**controller configured to switch between actuation of LED 104 and LED 228**, column 13, lines 37-40).

As to **claim 17**, the operating mode indicator apparatus of claim 1,wherein said first illumination apparatus and said second illumination comprise a single illumination apparatus (**LED 104 actuated**, column 13, line 41, comprises only one illumination apparatus as shown in figure 11A, **LED 228 activated** , column 13, lines 46-47, also comprises only one illumination apparatus as shown in figure 11A)

As to **claim 20**, Adan et al. discloses an operating mode indicator apparatus for a computer-pointing device, comprising:

means for indicating that the computer-pointing device is in a first operating mode (**LED 104 actuated**, column 13, line 41, **indicates use as a conventional mouse**, column 13, lines 41-43)

means for indicating that the computer-pointing device is in a second operating mode(**LED 228 activated** , column 13, lines 46-47, indicates use as **trackball input device**, column 13, lines 46-48).

As to **claim 21**, Adan et al. discloses a computer-pointing device (**operator input device**, see abstract), comprising:

a cursor movement control device (**mouse 40**, column 4, lines 45-46), said cursor movement control device allowing a user to move a cursor on a display apparatus operatively associated with the computer-pointing device (column 1, lines 29-31)

a first illumination apparatus, said first illumination apparatus generating light (**LED 104 actuated**, column 13, line 41) when the computer-pointing device is in a first operating mode (**used as a conventional mouse**, column 13, lines 41-43) ; and

a second illumination apparatus , said second illumination apparatus generating light (**LED 228 activated** , column 13, lines 46-47) when the computer-pointing device is in a second operating mode (**trackball input device**, column 13, lines 46-48).

Allowable Subject Matter

5. Claims 5, 7, 9, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 5, none of prior art teaches an operating mode indicator apparatus for a computer-pointing device wherein a first illumination apparatus generates light when the computer-pointing device is not being moved, and wherein said second illumination apparatus generates light when the computer-pointing device is being moved.

As to claim 7, none of prior art teaches an operating mode indicator apparatus for a computer-pointing device wherein a first illumination apparatus generates light when the computer-pointing device is not in contact with a user, wherein a second illumination apparatus generates light when the computer-pointing device is being moved, and wherein said third illumination

apparatus generates light when the computer-pointing device is in contact with the user but the computer-pointing device is not being moved.

As to claim 9, none of prior art discloses an operating mode indicator apparatus for a computer-pointing device comprising a time-delayed shut off switch, said time-delayed shut off switch causing the operating mode indicator apparatus to be shut off after a period of inactivity.

As to claim 12, none of prior art teaches an operating mode indicator apparatus for a computer-pointing device comprising a user detection device further comprising a thermal sensor.

As to claim 14, none of prior art teaches an operating mode indicator apparatus for a computer-pointing device comprising a user detection device further comprising a capacitance proximity sensor.

CONCLUSION

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent	5,417,211	Kwang-Chien
US Patent	6,304,249	Derocher et al.
US Patent	6,069,594	Barnes et al.
US Patent	5,574,480	Pranger et al.

Reference Kwang-Chien is made of record as it discloses a mouse having a LED.

Reference Derocher et al. is made of record as it discloses a mouse having a LED.

Reference Barnes et al. is made of record as it discloses a computer pointing device with a plurality of operating modes.

Reference Pranger et al. is made of record as it discloses a computer pointing device having a LED.

7. **Any inquiry concerning this communication or earlier communications from the examiner should be directed to** Francis Nguyen **(8:00AM to 4:30PM) whose telephone number is** (703) 308-8858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

FRANCIS NGUYEN

Examiner

Art Unit 2674

January 10th, 2002